

AMENDED IN ASSEMBLY MARCH 23, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2045

Introduced by Assembly Member Nakano

February 18, 2000

An act to amend Sections 668.1 and 668.2 of, and to add Section 668.3 to, the Harbors and Navigation Code, relating to boating.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as amended, Nakano. Boating safety.

Existing law permits, and in some cases requires, any person convicted of specified offenses relating to the operation of vessels to be ordered by the court to complete and pass a boating safety course.

This bill would require the Department of Boating and Waterways to approve boating safety courses for those purposes. The bill would make conforming changes.

The bill also would require the department to develop a personal watercraft education course, which would be voluntary. The bill would require that course to be made available on the department's website.

Existing law authorizes the department to grant funds from the Harbors and Watercraft Revolving Fund, which is available upon appropriation by the Legislature, for, among other things, scholarship funding relating to boating safety education and to finance the purchase of vessels and related safety equipment for use in boating safety education classes.

This bill would also authorize the department to grant funds from that fund to provide ~~boating safety courses approved the~~ *voluntary personal watercraft education course developed* by the department pursuant to the bill *in those situations where the department determines the course would not otherwise be available to a significant number of personal watercraft operators.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 668.1 of the Harbors and
2 Navigation Code is amended to read:
3 668.1. (a) Any person convicted of a violation of
4 subdivision (b), (c), (d), (e), or (f) of Section 655
5 pertaining to a mechanically propelled vessel but not to
6 manipulating any water skis, an aquaplane, or similar
7 device, when the conviction resulted from the operation
8 of a vessel, shall be ordered by the court to complete and
9 pass a boating safety course approved by the department
10 pursuant to Section 668.3.
11 (b) Any person convicted of a violation of subdivision
12 (a) of Section 655 or of Section 655.2, 655.6, 658, or 658.5
13 of this code, or Section 191.5 of the Penal Code, when the
14 conviction resulted from the unlawful operation of a
15 vessel, may be ordered by the court to complete and pass
16 a boating safety course approved by the department
17 pursuant to Section 668.3.
18 (c) Any person convicted of a violation of Section
19 655.2, 655.6, 658, or 658.5 of this code, or Section 191.5 of
20 the Penal Code, when the conviction resulted from the
21 operation of a vessel within seven years of a previous
22 conviction of any of those violations, shall be ordered by
23 the court to complete and pass a boating safety course
24 approved by the department pursuant to Section 668.3.
25 (d) Any person who has been ordered by the court to
26 complete and pass a boating safety course pursuant to this
27 section shall submit to the court proof of completion and
28 passage of the course within seven months of the time of



his or her conviction. The proof shall be in a form that has been approved by the department and that provides for the ability to submit the form to the court through the United States Postal Service. If the person who has been required to complete and pass a boating safety course is under 18 years of age, the court may require that the person obtain parental consent to enroll in the course. If the person does not complete and pass the boating safety course, the court may extend the period for completion or impose another penalty as prescribed by statute.

(e) The department shall adopt regulations to carry out this section, including approval of boating safety education courses, as specified in Section 668.3, prescribing the forms for proof of completion and passage, and setting forth any fees to be charged to course participants, which fees shall not exceed the expenses associated with providing the course.

SEC. 2. Section 668.2 of the Harbors and Navigation Code is amended to read:

668.2. The department may grant funds from the Harbors and Watercraft Revolving Fund to local public agencies, nonprofit organizations, and colleges and universities for scholarship funding relating to boating safety education, to finance the purchase of vessels and related safety equipment for use in boating safety education classes, and to provide ~~boating safety courses approved by the department pursuant to Section 668.3.~~ *the voluntary personal watercraft education course developed by the department pursuant to subdivision (b) of Section 668.3 in those situations where the department determines the course would not otherwise be available to a significant number of personal watercraft operators.*

The department may adopt regulations necessary to implement this section.

SEC. 3. Section 668.3 is added to the Harbors and Navigation Code, to read:

668.3. (a) For the purposes of Sections 668.1 and 668.2, the department shall approve boating safety courses that it determines provides the course taker with comprehensive information and effectively educates the

1 course taker as to the basic rules of California waterways,
2 the proper and safe manner to operate recreational
3 vessels, and actions that can be taken to avoid
4 boating-related environmental pollution.

5 (b) The department shall develop a personal
6 watercraft education course that provides the course
7 taker with comprehensive information and effectively
8 educates the course taker as to the basic rules of California
9 waterways, the proper and safe manner to operate
10 personal watercraft, and actions that can be taken to
11 avoid personal watercraft-related environmental
12 pollution. The course shall be voluntary and shall be made
13 available to groups, individuals, and clubs. The course
14 shall be made available on the department's website.

